

Appl. No.: 10/772,019
Amtd. Dated: 12/06/2005
Off. Act. Dated: 09/06/2005

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Allowability of Claims 34-35.

The Applicant notes with appreciation the Examiner's determination that Claims 34-35 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

In response, the Applicant has incorporated the limitations of Claim 34 into Claim 1, which is the independent base claim and cancelled Claim 34. Therefore, amended Claim 1, as well as Claims 2-10, 32-33 and 35-39 which depend therefrom, are now in a condition for allowance.

2. Amendment of Claims 1, 5 and 34-35.

Claim 1. Independent Claim 1 has been amended to incorporate the material of Claim 34, according to Examiner allowability holding.

Claim 5. Dependent Claim 5 has been amended by reciting "*further comprising*" instead of "*comprising*" to increase clarity in view of the amendment of Claim 1.

Claim 34. Dependent Claim 34 was incorporated within independent Claim 1, and Claim 34 has been canceled.

Claim 35. Dependent Claim 35 has been amended to correct the dependent claim reference from claim 34 to claim 1 in view of the amendment to Claim 1 and the canceling of Claim 34.

3. Cancellation of Claims 40-41.

Claims 40-41. Independent Claims 40-41 have been canceled.

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4. Amendments Made Without Prejudice or Estoppel.

Notwithstanding the amendments made, Applicant has made these amendments in order expedite allowance of the currently pending subject matter. However, Applicant does not acquiesce in the original ground for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. Applicant reserves the right to pursue the original scope of these claims in the future, such as through continuation practice for example.

5. Conclusion.

The amendment is being filed responsive to an advisory action and within the three-month period of response to the original Final Office Action dated September 6, 2005.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are any questions regarding this response, as well as the constructive assistance of the Examiner toward placing this application in a condition for allowance of all pending claims.

Date: 12/6/05

Respectfully submitted,



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